

SECOND REGULAR SESSION

HOUSE BILL NO. 1649

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGHEE.

5631L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 339, RSMo, by adding thereto one new section relating to the certified home inspection profession title protection act, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 339, RSMo, is amended by adding thereto one new section, to be known as section 339.950, to read as follows:

339.950. 1. This section shall be known and may be cited as the "Certified Home Inspection Profession Title Protection Act".

2. As used in this section, the following terms shall mean:

(1) "Accredited program", a program that is accredited by the NAHI;

(2) "Apprentice home inspector", an apprentice working under the supervision of a certified home inspector;

(3) "Board of Certified Home Inspectors", a board established by the NAHI which determines the education, experience, examination, and maintenance requirements for home inspectors to qualify as certified home inspectors;

(4) "Certification", a voluntary program establishing the criteria for granting recognition to a person who has met certain predetermined qualifications and who may use "certified" as a designated title. Noncertified persons may also perform the occupation for compensation, but use of the title "certified" by a noncertified person is prohibited. For purposes of this section, certification is not intended to be synonymous with licensing or license;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (5) "Certified home inspector", "CHI", or "C.H.I.", a person who has received the
17 designation of certified home inspector by the NAHI and whose certification has not lapsed
18 or been revoked;

19 (6) "Education", the education required by the NAHI for individuals to qualify to
20 be designated as certified home inspectors;

21 (7) "Examination", the test used by the NAHI for examining individuals to qualify
22 to be designated as certified home inspectors;

23 (8) "Experience", the professional level work experience as required by the NAHI
24 for individuals to qualify to be designated as certified home inspectors;

25 (9) "Home inspection", the process by which a home inspector, for payment,
26 visually examines the readily accessible systems and components of a residential building
27 and describes the condition of such systems;

28 (10) "Home inspector", an individual who is retained to perform a home inspection
29 for compensation;

30 (11) "Licensing", a nontransferable authorization to perform an occupation based
31 on meeting predetermined qualifications, such as satisfactory completion of an approved
32 education program and acceptable performance on a qualifying examination or series of
33 examinations, and for which persons who are not licensed are prohibited from performing
34 the occupation for compensation. Licensing is the most restrictive form of occupational
35 regulation;

36 (12) "Maintenance", the continuing education requirements set out by the NAHI
37 for individuals to qualify to retain the title of certified home inspectors;

38 (13) "National Association of Home Inspectors, Inc." or "NAHI", a nonprofit
39 corporation established to improve the practice and education standards of the profession
40 of home inspectors by certifying individuals who meet its education, experience,
41 examination, and maintenance requirements;

42 (14) "Occupational regulation", a statute, rule, practice, policy, or other
43 government-prescribed requirement for a person to work in a lawful occupation.

44 3. No person shall use the title or represent himself or herself to the public as a
45 certified home inspector until such person meets the requirements set forth in this section.
46 Any person who is not certified under this section shall not use the title "Certified Home
47 Inspector", "CHI", "C.H.I." or any variation of such titles to identify, advertise, or
48 represent by any means of communication that such person provides home inspection
49 services as a certified home inspector unless:

50 (1) The person is designated as a certified home inspector by the National
51 Association of Home Inspectors, Inc. (NAHI); and

52 **(2) Such certification has not lapsed or been revoked.**

53 **4. A business entity shall not identify, advertise, or represent itself as a provider of**
54 **home inspection services furnished by certified home inspectors unless the home inspection**
55 **services are provided by or under the direct supervision of a person authorized to use the**
56 **title of certified home inspector under this section.**

57 **5. Any person who represents himself or herself as a certified home inspector and**
58 **who is not certified under this section is guilty of an unfair business practice and shall be**
59 **subject to a fine of one thousand dollars. Each representation in violation of this**
60 **subsection is a separate violation for purposes of imposing a fine.**

61 **6. No state or local governmental entity shall by rule or otherwise prohibit or**
62 **restrict the practice of home inspector by any person who complies with the provisions of**
63 **this section, except where authorized under state law to regulate a specific activity which**
64 **may include the practice of home inspector.**

65 **7. This section does not apply to:**

66 **(1) A person employed as an apprentice under the supervision of a certified home**
67 **inspector;**

68 **(2) Any person legally regulated in this state under any other licensing act or**
69 **regulation from engaging in the activities permitted under such person's license, provided**
70 **such person does not represent himself or herself to the public as a certified home**
71 **inspector; or**

72 **(3) Any person practicing within the scope of the meaning of home inspection, so**
73 **long as such person does not use the title, initials, or represent himself or herself to the**
74 **public as a certified home inspector.**

75 **8. No person shall mislead or deceive any other person by the unauthorized use of**
76 **any home inspector certification mark that has been awarded by the United States Patent**
77 **and Trademark Office.**

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